

REMARKS

Claims 1, 3-10 and 12-17 are currently pending in the application. By this amendment, independent claims 1 and 10 and dependent claims 3 and 12 have been amended to more clearly define the instant invention. No new matter has been entered. Accordingly, reconsideration is requested in view of the amendments and the accompanying remarks.

Acknowledgement of the Drawings

Applicant notes with appreciation the Examiner's acknowledgment that Applicant's drawings are accepted.

35 U.S.C. §102 Rejections

Claims 1-17 are rejected under 35 U.S.C. § 102(e) as being anticipated by Dowdy (Publication No: US 2003/0206616) (hereafter "DOWDY"). More specifically, the Patent Office states that, with respect to Claims 1 and 10:

Dowdy teaches a method for sending a notification message to a telecommunication subscriber without revealing unpublished contact information (paragraph 25-26), said method comprising: providing a requestor (caller) of unpublished contact information of a telecommunication subscriber an opportunity to indirectly send said subscriber a notification message (paragraph 25-26), collecting information from said requestor regarding content of said notification message (i.e., leaving a message to unlisted subscriber, paragraph 25); and sending said notification message to said subscriber (paragraphs 25, 31).

In response to this rejection, independent Claims 1 and 10 have been amended to specify that the notification message is sent to the telecommunication subscriber by text messaging, thereby obviating the rejection under 35 USC 102(e).

With respect to Claims 2 and 11, the Patent Office States that DOWDY teaches said notification message is sent to a communication device of said subscriber as a text message (paragraph 31, e-mail message). To the extent that the Patent Office is suggesting that an "email message" anticipates "a message sent by text messaging", this rejection is respectfully traversed. Webopedia Computer Dictionary defines "text

messaging” as:

Sending short text messages to a device such as a cellular phone, PDA or pager. Text messaging is used for messages that are no longer than a few hundred characters.

Phone Scoop (www.phonescoop.com) is a comprehensive resource for mobile phone shoppers, users, enthusiasts, and professionals, focusing on the U.S. market. In addition, they offer an extensive, up-to-date **Glossary**, which defines text messaging as:

Text Messaging, also called SMS (Short Message Service) allows short text messages to be received and displayed on the phone. 2-Way Text Messaging, also called MO-SMS (Mobile-Originated Short Message Service,) allows messages to be sent from the phone as well.

Thus, one skilled in the art would understand and recognize that not all forms of electronic text can be transmitted by text messaging. Applicants claims have been amended to make clear that the notification is transmitted by text messaging. Applicant submits that novelty has been established by the introduction of this “text messaging” limitation. Support for this amendment is found, for example, in paragraphs 22 and 31 of the Specification as filed.

In an effort to advance prosecution, Applicant elects to preliminarily address possible rejection of amended Claims 1 and 10 under 35 USC 103 as unpatentable over DOWDY. As discussed above, DOWDY does disclose notifying a telecommunication subscriber of a request for unpublished contact information by email. Applicant has distinguished between notification by text messaging (e.g., by SMS protocol) versus notification by email as taught by DOWDY. This distinction is of significance because, as previously discussed, text messaging is a term of art used to describe the transmission of a text message to a device such as a pager, cellular phone or PDA. Such devices are very commonly used in today’s society and many people are reachable “around the clock” using such devices.

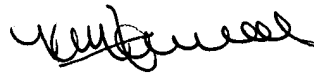
This is to be contrasted with email access which typically requires access to a computer. When traveling on business, or simply being away from home or office, an

email recipient is far less likely to receive an email message than a text message coming in on their cell phone or PDA. Thus, it will be recognized that Applicant's invention as claimed relates to a method in which a telecommunications subscriber is far more likely to receive a notification message in a timely manner than an otherwise identical notification message transmitted by email protocols. This is a particularly important distinction in those cases in which a notification message is time sensitive (e.g., as would be the case with family emergency, or a notification message to a first-responder).

CONCLUSION

In view of the foregoing, reconsideration of the subject patent application is respectfully requested.

Respectfully submitted,



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